

EXHIBIT 1

FEB 08 2019

IN THE UNITED STATES DISTRICT COURT **Civil Law Division**

FOR THE MIDDLE DISTRICT

OF PENNSYLVANIA

* * * * *

WILLIAM MAYO,

*

Plaintiff

* Case No.

vs.

* 1:18-CV-0878

JOHN E. WETZEL,

*

Defendant

*

* * * * *

DEPOSITION OF

WILLIAM MAYO

January 9, 2019

ORIGINAL

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11/16/00

DEPOSITION

OF

WILLIAM MAYO, taken on behalf of the Defendant
herein, pursuant to the Rules of Civil Procedure,
taken before me, the undersigned, Skyler Hope
Wilson, a Court Reporter and Notary Public in and
for the Commonwealth of Pennsylvania, at the offices
of Pennsylvania Department of Corrections, 1920
Technology Parkway, Mechanicsburg, Pennsylvania, on
Wednesday, January 9, 2019 beginning at 1:38 p.m.

A P P E A R A N C E S

WILLIAM MAYO, PRO SE

CALEB C. ENERSON, ESQUIRE

Office of the Attorney General

Civil Litigation Section

15th Floor, Strawberry Square

Harrisburg, PA 17120

COUNSEL FOR DEFENDANT

I N D E X

WITNESS: William Mayo (Via Videoconference)

EXAMINATION

By Attorney Enerson

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OBJECTION PAGE

ATTORNEY

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NONE MADE

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S T I P U L A T I O N

(It is hereby stipulated and agreed by and between
counsel for the respective parties that reading,
signing, sealing, certification and filing are not
waived.)

P R O C E E D I N G S

WILLIAM MAYO,
CALLED AS A WITNESS IN THE FOLLOWING PROCEEDING, AND
HAVING FIRST BEEN DULY SWORN, TESTIFIED AND SAID AS
FOLLOWS:

EXAMINATION

BY ATTORNEY ENERSON:

Q. Good afternoon, Mr. Mayo.

A. Good afternoon.

Q. So we're here for a deposition in your
case. It's William Mayo versus John E. Wetzel,
Secretary of the Pennsylvania Department of
Corrections, Docketed at 1:18-Civil Docket-0878 in
the Middle District Pennsylvania United States
District Court.

1 For the record, Mr. Mayo, you're
2 appearing via video and you're at SCI Smithfield.

3 Is that correct?

4 A. Yes.

5 Q. Okay.

6 And Mr. Mayo, have you been deposed
7 before?

8 A. Yes.

9 Q. Okay.

10 So you understand the procedure. But
11 just to go over a couple of things. If you don't
12 know the answer to a question, it's perfectly all
13 right for you to indicate that you don't know the
14 answer.

15 If you don't remember something,
16 likewise, it's fine for you indicate that you don't
17 remember something. We only want testimony that you
18 have knowledge of and that you have memory of.

19 If you don't understand a question,
20 please ask me to - I can either repeat it, I can
21 rephrase the question. That's not a problem. If
22 you're having any difficulty hearing me or
23 understanding me, likewise, I want to make sure that
24 there's no confusion about anything that I'm asking
25 you.

1 All right?

2 A. Yes.

3 Q. And Mr. Mayo, are you currently on any
4 medication or anything of that nature that would
5 impact your ability to give truthful and complete
6 testimony in this deposition here today?

7 A. Not that I'm aware of.

8 Q. Okay.

9 Now, I do see in your complaint that you
10 indicate that you have a mental impairment. What is
11 that impairment?

12 A. I'm not sure of my diagnosis because the
13 Department of Corrections, psychiatric department
14 won't allow us to possess that type of information.

15 Q. Okay.

16 How long have you been incarcerated with
17 the - how long have you been in the state prison
18 system?

19 A. Approximately 14 years.

20 Q. Okay.

21 So like 2005 or so - 2004, 2005?

22 A. Yes.

23 Q. Okay.

24 And prior to - prior to entering the
25 Department of Corrections custody, were you aware of

1 any mental health diagnosis that had been made?

2 A. I have a mental health history that can
3 be traced back to when I was a young kid, but I'm
4 not sure exactly my diagnosis.

5 Q. Okay. Okay.

6 That's fine.

7 What are you serving a sentence for, Mr.
8 Mayo?

9 A. Murder.

10 Q. Okay.

11 Is that first, or third degree or second,
12 I guess?

13 A. First degree.

14 Q. Okay.

15 So you're serving a life sentence then?

16 A. Yes.

17 Q. Okay.

18 Now, you indicate in your complaint that
19 starting in November of 2015 and then continuing
20 until January of last year, you were in solitary
21 confinement at SCI Fayette. What was the reason you
22 were placed into solitary confinement at SCI
23 Fayette, if you remember?

24 A. I was transferred from SCI Green to SCI
25 Fayette ---

1 Q. Okay.

2 A. --- November 2015 for an altercation that
3 transpired with staff.

4 Q. Okay.

5 So you were involved in an altercation
6 with staff at SCI Green?

7 A. Yes.

8 Q. Okay.

9 And then after that, you were transferred
10 to SCI Fayette and that's when you were placed into
11 solitary confinement?

12 A. No, I was placed in solitary confinement
13 November 19th, 2015.

14 Q. Okay.

15 A. But they transferred - to SCI Fayette.

16 Q. Okay.

17 And then you - so I'm assuming that as a
18 result of that altercation with staff at SCI Green
19 you were given a misconduct.

20 Would that be correct?

21 A. Yes.

22 Q. Okay.

23 And was being placed in solitary
24 confinement part of the punishment for that
25 misconduct?

1 A. Yes.

2 Q. Okay.

3 And at the time what was your
4 understanding for how long you would be in solitary
5 confinement?

6 A. Well, what transpired at the time was the
7 incident that I was involved with staff at SCI
8 Green, I was transferred to SCI Fayette the very
9 next day which was - which was November 20th, 2015.

10 Q. Okay.

11 A. The following week I had a misconduct
12 hearing at SCI Fayette ---

13 Q. Okay.

14 A. --- for this incident that transpired as
15 SCI Green of which created conflict because I was
16 not served a copy of the misconduct report.
17 However, I was sanctioned to one year for the
18 allegation.

19 Q. Okay.

20 So it's - so it's your testimony that you
21 never received the misconduct paperwork prior to
22 your hearing?

23 A. Yes.

24 Q. Okay.

25 Did you appeal that misconduct?

1 A. Yes, I reserved that administrative
2 hearing.

3 Q. Okay.

4 And I'm assuming then that you did not
5 receive a favorable response from the prison in
6 relation to your misconduct appeal?

7 A. No, there was no help all the way
8 through.

9 Q. Okay. Okay.

10 And you believe the date of your
11 misconduct was about a week after you came to SCI
12 Fayette?

13 A. Approximately, yes.

14 Q. Okay.

15 So - and in November 2015, beginning of
16 December sometime in that time period?

17 A. Yes.

18 Q. Okay. Okay.

19 So you said that you were sentenced to
20 one year of solitary confinement as a result of that
21 misconduct. So after that year, so that would place
22 us in November or December of 2016, why were you
23 still in solitary confinement, if you know?

24 A. Since my transfer at SCI Fayette, I've
25 caught several additional misconducts.

1 Q. Okay.

2 And so then they tacked on additional
3 time as result of those misconducts?

4 A. Yes.

5 Q. Okay. Okay.

6 And then what was the reason that you -
7 if you know, for your transfer to SCI Smithfield
8 from SCI Fayette?

9 A. I wasn't never notified. I was never
10 notified about this transfer.

11 Q. Okay.

12 So you don't know the reason that you
13 were transferred?

14 A. Yes, I would probably assume that it
15 wasn't for disciplinary reason because being
16 transferred from SCI Fayette to SCI Smithfield.
17 Where I'm currently house now, I was on AC status.

18 Q. Okay.

19 A. So it kind of clarifies within itself
20 that I wasn't transferred for any disciplinary
21 measures.

22 Q. Okay.

23 And you've been at SCI Smithfield since -
24 for about a year since last January?

25 A. Yes, January 9th, 2018.

1 Q. Okay.

2 And you had indicated that you had
3 received several misconducts after your misconduct
4 at SCI - as a result of what happened at SCI Green.
5 Is it your understanding that you're still serving
6 the disciplinary time for those misconducts, or is
7 it your understanding that you've served all that
8 time?

9 A. Part of the disciplinary time that I
10 accumulated at SCI Fayette, I've done prior to my
11 transfer here to SCI Smithfield.

12 Q. Okay. Okay.

13 So what is your understanding as far as
14 why you're solitary confinement currently at SCI
15 Smithfield?

16 A. Like I specified in the context of my
17 complaint, my counselor was doing a tour at SCI
18 Fayette and I requested if he could put me for a
19 time cut. It's like a protocol that's implemented
20 at SCI Fayette.

21 To where you go a substantial amount of
22 time without catching a misconduct, they would
23 consider the - cutting the time that you've already
24 accumulated. And my counselor notified them that I
25 was placed on a restrict release list.

1 Q. Okay.

2 So - and I'll get to that in a moment. I
3 just wanted to follow-up on a couple additional
4 things. You indicate in your complaint and I'm
5 looking at paragraph 11 which I'm making Exhibit 1
6 to this - to this deposition.

7 ---

8 (Whereupon, Defendant's Exhibit 1, Complaint,
9 was marked for identification.)

10 ---

11 BY ATTORNEY ENERSON:

12 Q. That you are on the active mental roster.
13 How long have you been on the mental health roster;
14 if you know?

15 A. I was placed on the mental health roster
16 in SCI Green.

17 Q. Okay.

18 A. I'm not sure - I'm not sure the exact
19 date, but I can guestimate about a year prior to my
20 incident.

21 Q. Okay.

22 So November 2014 approximately?

23 Since that time?

24 A. Give or take.

25 Q. Okay.

1 And you also indicate that you're taking
2 two different psych medications. Do you know what
3 those medications are?

4 A. One of them is called Zoloft.

5 Q. Okay.

6 A. And one of them is called Visceral.

7 Q. Okay.

8 And what those to treat - used to treat;
9 if you know?

10 A. I'm not sure.

11 Q. Okay.

12 A. This coincides with the psychiatric
13 department diagnosis.

14 Q. Okay.

15 A. All of those for -.

16 Q. Okay. Okay.

17 So what was the date that you first
18 learned that you were on the restricted release
19 list?

20 A. June 10th, 2016.

21 Q. Okay. Okay.

22 And that's when your counselor informed
23 you that you had been placed on the restricted
24 release list. Is that how you found out?

25 A. That's correct.

1 Q. Okay.

2 And who was your counselor at that time?

3 A. It's been so long that I don't recall his
4 name.

5 Q. Okay. That - okay.

6 That's fine. Okay.

7 And once you learned that you were on the
8 restricted release list, what was your understanding
9 as far as how you can be removed from the restricted
10 release list?

11 A. I did some research in the prison's mini
12 law library trying to discover if they had any
13 recourse. On June 13th approximately three days
14 after being notified, I filed an appeal.

15 Q. Okay. Okay.

16 And you name Secretary Wetzel as the
17 Defendant in this case. Is that because it's your
18 understanding that he has control over the
19 restricted release list?

20 A. It was my understanding that he
21 ultimately places prisoners and/or remove prisoners
22 on the restricted release list.

23 Q. Okay.

24 And to the best of your knowledge, is
25 your placement on that list reviewed at any

1 particular time?

2 A. I was told by my management team here at
3 SCI Smithfield they're getting reviewed once a year
4 at my annual review which is in August.

5 Q. Okay.

6 A. Earlier part.

7 Q. Okay.

8 And I'm assuming that your annual review
9 has not resulted in you being removed from that list
10 at any point from - I guess 2016 to the present.

11 Is that correct?

12 A. Correct.

13 Q. Okay.

14 And do you know what information is used
15 to make that determination?

16 A. I'm not sure. I did some research like a
17 - I mentioned a couple minutes ago in regard to
18 redress that I had discovered anything to assist me
19 in the process.

20 Q. Okay.

21 Do you see the program review committee
22 currently at SCI Smithfield?

23 A. Yes.

24 Q. And how often is that?

25 A. I see the program review committee once

1 every 90 days.

2 Q. Okay.

3 A. Like I never saw the program review
4 committee frequently in tours in unit to address
5 concerns, et cetera.

6 Q. Okay. Okay.

7 And while you have been in solitary
8 confinement for the period that's covered in this
9 lawsuit, have you been able to obtain any access to
10 medical staff?

11 A. I don't understand your question.

12 Q. Do you see - despite the fact that you're
13 in solitary confinement, are you still able to see
14 medical staff if needed?

15 A. Are you speaking regards to PA or psych
16 department?

17 Q. Any sort of medical treatment?

18 A. The DOC has established protocols to
19 where you can request - see the medical department
20 by filing a sick call request form.

21 Q. Okay.

22 And have you used the sick call to
23 contact medical at all during the time period
24 discussed in your complaint?

25 A. Quite a few times.

1 Q. Okay.

2 Do you have an estimate of how many times
3 - and if you don't, that's fine. Just -.

4 A. We have a psych - psychiatrist that works
5 the unit that did rounds.

6 Q. Okay.

7 A. One twice a day. So she would stop past
8 my cell. It's a - she was Miss Keen.

9 Q. Okay.

10 A. You know, to our door, I mean, to address
11 some concerns of my conditions that have weighed on
12 me mentally and et cetera.

13 I requested countless times for
14 individual treatment, but she asserted that given my
15 circumstance, there's not much treatment that she
16 can offer.

17 Q. Okay.

18 So this individual that you just referred
19 to at - did you say Miss Keens I think it was? You
20 see her -

21 A. Miss Keen.

22 Q. - okay.

23 And she comes through the RHU you said
24 about every day or every other day.

25 Is that correct?

1 A. For the most part, she's here every day
2 because her office is in the unit.

3 Q. Okay.

4 And so that's the person that you've been
5 - that's there at Smithfield. Was there a similar
6 individual in place while you were at SCI Fayette?

7 A. We had psych that used - work the unit,
8 but I don't recall his office actually being on the
9 unit.

10 Q. Okay. Okay.

11 A. So that's -.

12 Q. Okay.

13 Do you know how often you would see that
14 individual at SCI - at SCI Fayette approximately?

15 A. I would estimate twice a week. If need
16 be the unit stopped - you know, just tours the unit
17 regularly, I would estimate twice a week.

18 Q. Okay.

19 And the medications that you're on, have
20 you been on those - since 2015 or is that more
21 recent?

22 A. Sounds about right 2015.

23 Q. Okay.

24 A. I wanted - I believe it's from 2014.

25 Q. 2014. Okay. All right.

1 You indicate that you were admitted to a
2 psychiatric observation cell in June of 2017. Could
3 you explain to me what caused that?

4 A. I was alleged to have a mental breakdown.
5 I guess at the time being in the RHU for solitary
6 confinement for so long. It was starting to weigh
7 on me mentally.

8 Q. Okay.

9 And what - how long were you - were you
10 in that - in the psychiatric observation cell?

11 A. I was alleged to be unattached with
12 reality at the time. So I don't know exactly, but I
13 would assume just a few days.

14 Q. Okay. Okay.

15 And so would it - would it be correct to
16 say that you don't really remember much about that -
17 those few days?

18 A. No - yes, correct.

19 Q. Okay.

20 Do you know if - do you know if you were
21 seen by a psychiatrist during that time at all?

22 A. I was told once I was released from the
23 psychiatric observation cell. What all transpired,
24 I don't remember per se.

25 Q. As a result of being admitted to that

1 psychiatric observation cell, do you know if you
2 received any change or any additions to your medical
3 or mental health treatment?

4 A. I'm not 100 percent certain, but if my
5 recollection serves me correct, I believe at that
6 time the dosages of my medication was increased.

7 Q. Okay. Okay.

8 And - one moment. And if you could
9 explain to me the - how being in solitary
10 confinement has affected you?

11 A. I often find myself having suicidal
12 thoughts.

13 Q. Okay. Okay.

14 And have you informed staff about that
15 issue?

16 A. Probably I was in the observation cell
17 which I been in since last March. So they can
18 monitor me.

19 Q. Okay.

20 So you're currently in an observation
21 cell right now?

22 A. Yes.

23 Q. Okay.

24 And you've been there since March of last
25 year?

1 A. Yes.

2 Q. And that's based on your references to
3 self-harm.

4 Is that correct?

5 A. I want to believe so, yes.

6 Q. Okay. Okay.

7 And - okay.

8 Prior to 2015, had you'd been in solitary
9 confinement before?

10 A. Yes.

11 Q. Okay.

12 And do you know when approximately that
13 would've been and for how long of a period that
14 would've been?

15 A. I been in solitary confinement quite a
16 few times throughout my incarceration here with the
17 Department of Corrections.

18 Q. Okay.

19 A. But I don't recall exactly how long -

20 Q. Okay.

21 A. - each stint.

22 Q. Okay.

23 And do you remember why you were in
24 solitary confinement for those prior times?

25 A. Variety of things. I mean, I've been

1 incarcerated like mentioned some while ago, well
2 over a decade.

3 Q. Uh-huh (yes).

4 A. So I've been caught - my share of
5 encounter reports.

6 Q. Okay.

7 A. But never for as long as I've been in
8 solitary as of right now.

9 Q. Okay.

10 So some of those prior instances of
11 solitary confinement, it would be due to misconducts
12 and things of that nature?

13 A. Yes. Some reports, I was in solitary
14 confinement for weeks. Some reports I was in
15 solitary confinement for months, but never years.

16 Q. Okay. Okay. Okay.

17 Mr. Mayo, I believe that's all the
18 questions I have for you at this time.

19 What we're going to do is the court
20 reporter has been transcribing this deposition.
21 Once she has prepared it, I will send a copy of it
22 to the institution. I'll send you a letter letting
23 you know that it's available. You're not able to
24 keep a copy of it because it's property of the court
25 reporter.

1 But you will then have a chance to review
2 the transcript and do what's called read and sign.
3 And that's basically if after reviewing the
4 transcript you think there are any errors in the
5 transcript, you would have a chance to note those
6 and explain what you think the error and what - how
7 it should be correct. And then that will be
8 included as part of the transcript.

9 So I'm not sure - we're talking probably
10 a few weeks before that would occur. But like I
11 said, I will send a letter to you letting you know
12 when it's ready for you to view. And I also contact
13 the superintendent assistant and - so that a time
14 can be arranged for you to review the transcript.

15 A. All right.

16 Two questions for you?

17 Q. Sure.

18 A. If you don't mind?

19 Q. Oh, no. Sure. Go ahead.

20 A. One question is in regard to what you
21 just mentioned. Has the law changed because like
22 when initial questions were asked if this is my
23 first time being deposed, -

24 Q. Uh-huh (yes).

25 A. - and my answer was no. I have

1 deposition transcripts in my cell. Has the law
2 changed to where it prevents me from being able to
3 possess the transcribed record?

4 Q. It's not a matter of whether or not
5 you're allowed to possess it. The issue is I don't
6 have the authority to give you a copy of the
7 transcript for free. Your - you can contact - the
8 information for the court reporting service will be
9 on the transcript, but you have to make arrangements
10 with them as far as obtaining a copy of it.

11 I can't simply just turn over a copy of
12 it to you because it's - I have to buy from her and
13 you would have to make arrangements to obtain the
14 transcript with the Agency.

15 A. Okay.

16 I pretty much understand that granted.
17 But wouldn't the deposition be a part of discovery?

18 Q. I mean, your deposition is part of
19 discovery, but again, the deposition - the
20 transcript itself is not - it's not my property to
21 turn over to you - to turn over or not to turn over.
22 So that's why I wouldn't be able to just give you a
23 copy of it.

24 A. So when you file your response to plead,
25 let's just say that you was, that wouldn't be

1 stipulated to?

2 Q. If I were file something on the docket
3 and I included a copy of the transcript as part of
4 that filing, then yes, obviously you'd have - we
5 send you a copy of it as well. But I can't just
6 independently give you a copy of the transcript for
7 your own use. But if I file something with the
8 court that has the transcript included as an
9 attachment or an exhibit, obviously, you would have
10 whatever is filed with the court.

11 A. Understood.

12 One last question.

13 Q. Sure.

14 A. I filed an order to compel - pretty sure
15 you got a copy of it. I was trying to get some
16 information as far as my placement on restricted
17 release list. Because according to my research,
18 there's no formal redress that I was able to obtain
19 myself.

20 Q. Okay.

21 Did you say you filed a motion to compel?

22 A. Yes.

23 Filed a motion to compel.

24 Q. Okay. Okay.

25 I don't have a copy of the docket in

1 front of me.

2 A. 11/6/2018.

3 Q. Okay.

4 I know you filed a motion for default,
5 which the court ultimately denied. I don't remember
6 seeing any sort of motion to compel, but again, I
7 don't have the - all the court paperwork in front of
8 me at this time.

9 I'll go back and look and - when I get
10 back to the office and I'll see if there's anything
11 like that I have in my records from you. And if
12 there is, I'll certainly - I'll send you over
13 whatever response is warrant. And if there isn't
14 and if I don't have a record of anything, then I'll
15 let you know that as well.

16 A. If it don't pose a burden on you, I would
17 highly appreciate it.

18 Q. I'm sorry?

19 A. If it don't pose a burden on you, I would
20 highly appreciate it.

21 Q. And certainly, I'll make sure to - I'll
22 let you know either way what I find out as soon as I
23 get back. And then I'll write you a letter
24 explaining that.

25 A. Thank you.

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Q. Okay. Okay.

Thank you very much for your time, Mr.
Mayo.

* * * * *

DEPOSITION CONCLUDED AT 2:10 P.M.

* * * * *

1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF DAUPHIN)

3 CERTIFICATE

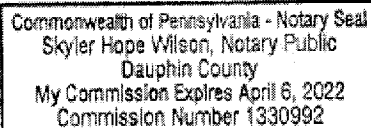
4 I, Skyler Hope Wilson, a Notary Public in and
5 for the Commonwealth of Pennsylvania, do hereby
6 certify:

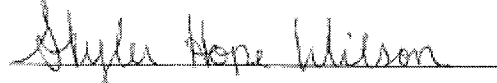
7 That the foregoing proceedings, deposition of
8 William Mayo, was reported by me on 01-09-19 and that
9 I, Skyler Hope Wilson, read this transcript, and that
10 I attest that this transcript is a true and accurate
11 record of the proceeding.

12 That the witness was first duly sworn to
13 testify to the truth, the whole truth, and nothing but
14 the truth and that the foregoing deposition was taken
15 at the time and place stated herein.

16 I further certify that I am not a relative,
17 employee or attorney of any of the parties, nor a
18 relative or employee of counsel, and that I am in no
19 way interested directly or indirectly in this action.

20 Dated the 6th day of February, 2019.

21 
22
23
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25


Skyler Hope Wilson,
Court Reporter

A	8:2	believe	circumst...	15:16
ability 9:5	appreciate	13:10	21:15	continuing
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